

§ 431.429

(b) A final rule withdrawing a rule exempting a State standard will be effective upon publication in the FEDERAL REGISTER.

§ 431.429 Request for reconsideration.

(a) Any petitioner whose petition for a rule has been denied may request reconsideration within 30 days of denial. The request shall contain a statement of facts and reasons supporting reconsideration and shall be submitted in writing to the Secretary.

(b) The denial of a petition will be reconsidered only where it is alleged and demonstrated that the denial was based on error in law or fact and that evidence of the error is found in the record of the proceedings.

(c) If the Secretary fails to take action on the request for reconsideration within 30 days, the request is deemed denied, and the petitioner may seek such judicial review as may be appropriate and available.

(d) A petitioner has not exhausted other administrative remedies until a request for reconsideration has been filed and acted upon or deemed denied.

§ 431.430 Finality of decision.

(a) A decision to prescribe a rule that a State energy conservation standard or other requirement not be preempted is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to prescribe such a rule has no effect on other regulations of covered equipment of any other State.

(b) A decision to prescribe a rule withdrawing a rule exempting a State standard or other requirement is final on the date the rule is issued, *i.e.*, signed by the Secretary. A decision to deny such a petition is final on the day a denial of a request for reconsideration is issued, *i.e.*, signed by the Secretary.

Subpart X—Small Electric Motors

SOURCE: 74 FR 32072, July 7, 2009, unless otherwise noted.

§ 431.441 Purpose and scope.

This subpart contains definitions, test procedures, and energy conservation requirements for small electric motors, pursuant to Part A-1 of Title

10 CFR Ch. II (1–12 Edition)

III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6311–6317.

§ 431.442 Definitions.

The following definitions are applicable to this subpart:

Alternative efficiency determination method, or AEDM, means, with respect to a small electric motor, a method of calculating the total power loss and average full-load efficiency.

Average full-load efficiency means the arithmetic mean of the full-load efficiencies of a population of small electric motors of duplicate design, where the full-load efficiency of each motor in the population is the ratio (expressed as a percentage) of the motor's useful power output to its total power input when the motor is operated at its full rated load, rated voltage, and rated frequency.

Basic model means, with respect to a small electric motor, all units of a given type of small electric motor (or class thereof) manufactured by a single manufacturer, and which have the same rating, have electrical characteristics that are essentially identical, and do not have any differing physical or functional characteristics that affect energy consumption or efficiency. For the purpose of this definition, “rating” means a combination of the small electric motor's group (*i.e.*, capacitor-start, capacitor-run; capacitor-start, induction-run; or polyphase), horsepower rating (or standard kilowatt equivalent), and number of poles with respect to which § 431.446 prescribes nominal full load efficiency standards.

CAN/CSA means Canadian Standards Association.

DOE or *the Department* means the U.S. Department of Energy.

EPCA means the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6291–6317.

IEC means International Electrotechnical Commission.

IEEE means Institute of Electrical and Electronics Engineers, Inc.

NEMA means National Electrical Manufacturers Association.

Small electric motor means a NEMA general purpose alternating current single-speed induction motor, built in a